

## **REMARKS**

In response to the final office action, the Applicant is filing the enclosed Request for Continued Examination and respectfully requests the Examiner to enter the above claim amendments before continuing the examination of the claims. The Applicant appreciates the Examiner's consideration of the references disclosed in the last Information Disclosure Statement. As explained in the Information Disclosure Statement, these references were uncovered by the Examiner who searched the corresponding application in the European Patent Office.

With respect to the outstanding rejections, the Applicant respectfully submits that the currently-amended claims overcome all of the rejections. With respect to the Roze reference, the Applicant again disagrees with the Examiner's interpretation of the Roze "spine." In order to distinguish the Applicant's structure, the Applicant has amended the claims to recite that the Applicant's spin is a unitary body having inner and outer surfaces. The Applicant's pages are attached to the inner surface of this spine - not a secondary "flexible securing member (60)" spaced from the spine on the inside of the container as disclosed in Roze. The Applicant's invention is thus significantly different from the Roze device. In particular, Applicant's invention does not have a large protruding spine extending from the edge of the container like that shown in Roze.

With respect to the Brinkhurst rejections, the Applicant has amended the independent claims to recite that no portion of Applicant's pages overlie the outer surface of the spine. The Brinkhurst devices use clips 23 and 24 that overlie the outer surface of the spine. Applicant's invention avoids these types of clips.

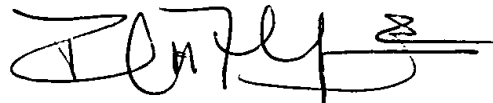
The Examiner has maintained the rejection of claim 7 contending that Applicant's V-shaped cross section is merely a change of shape that does not provide unexpected results. The Applicant again respectfully submits that the addition of the V-shaped page edges provides a significant benefit that was not recognized in the art because the pages of the invention may be directly secured to the inner surface of the outer spine with an adhesive as described in Applicant's specification and shown in Applicant's drawings. The Applicants further submit that

it is only obvious to change a size of an element when the function of the element remains the same as in the prior art device. In the present application, the V-shaped sidewalls perform a new and important function that is unobvious in view of the prior art. As stated by the Federal Circuit in *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), *cert. denied*, 469 U.S. 830, 225, USPQ 232 (1984): "where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device." Cited in the MPEP at section 2144.04 IV(A). Applicants' invention performs a different function than the art cited by the Examiner and is thus not obvious. Applicants' V-shaped sidewalls add a significant benefit over the art that was not recognized before Applicants' invention.

In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal notice of allowability for the claims. Please call Fred H. Zollinger, III at (330) 244-1174 if the Examiner has any questions after this amendment.

Respectfully submitted at Canton, Ohio this 23<sup>rd</sup> day of December, 2003.

SAND & SEBOLT

A handwritten signature in black ink, appearing to read 'F. Zollinger III', with a stylized flourish at the end.

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence (Amendment C in application serial no. 09/883,619 filed June 18, 2001) is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

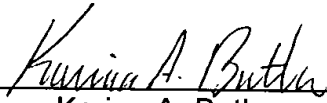
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on this 23<sup>RD</sup> day of December, 2003.

  
Karina A. Butler